

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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BARTLEY S. BACKUS,

Plaintiff,

v.

DAVID LAWICKA, *et al.*,

Defendants.

Case No. 3:20-cv-00008-MMD-CLB

ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION
OF MAGISTRATE JUDGE
CARLA L. BALDWIN

Plaintiff Bartley S. Backus brings this case pursuant to 42 U.S.C. § 1983 against numerous Defendants. Before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge Carla L. Baldwin concerning Backus’ application to proceed *in forma pauperis* (“IFP Application”) (ECF No. 1), and *pro se* civil rights complaint (“Complaint”) (ECF No. 1-1). (ECF No. 4.) Backus had until April 10, 2020, to file an objection to the R&R but has not done so. The Court will accept and adopt the R&R in full.

This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that the court “need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation”).

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1 The Court finds it unnecessary to engage in de novo review to determine whether
2 to adopt Magistrate Judge Baldwin's R&R and is satisfied that there is no clear error. Here,
3 Judge Baldwin recommends granting the IFP Application due to Backus' inability to pay
4 the filing fee and that the Court dismiss this action with prejudice because: (1) Backus
5 largely sues inanimate objects that cannot be subject to liability; and (2) fails to state
6 allegations that meet the requisite pleading standard. (ECF No. 4 at 2, 4.) Judge Baldwin
7 additionally recommends that no further amendments be allowed because such would be
8 clearly futile given the deficiencies in the Complaint. (*Id.* at 4.) Having reviewed the
9 Complaint, the Court agrees with these recommendations and will therefore accept the
10 R&R in full.

11 It is therefore ordered, adjudged and decreed that the Report and Recommendation
12 of Magistrate Judge Carla L. Baldwin (ECF No. 4) is accepted and adopted in its entirety.


13 It is further order that the IFP Application (ECF No. 1) is granted.

14 It is further ordered that the Clerk of the Court file the Complaint (ECF No. 1-1).

15 It is further ordered that the Complaint is dismissed with prejudice and without leave
16 to amend for the reasons stated herein.

17 It is further ordered that the Clerk enter judgment accordingly and close this case.

18 DATED THIS 16th day of April 2020.

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21 MIRANDA M. DU
22 CHIEF UNITED STATES DISTRICT JUDGE
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